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7 United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

MATTHEW M. PIERCEY,

Defendant.

CASE NO. 2:20-CR-0211-TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: February 11, 2021

TIME: 9:30 a.m.

COURT: Hon. Troy L. Nunley

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on February 11, 2021.

2. By this stipulation, defendant now moves to continue the status conference until April 15, at 9:30 a.m., and to exclude time between February 11, 2021, and April 15, 2021, under Local 74.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has produced over 160,000 pages of bates-stamped discovery, including investigative reports, bank and financial records, phone records, emails, and related documents in electronic form. The government has also made additional discovery available for inspection and copying, including multiple electronic devices.

b) Counsel for defendant desires additional time to consult with his client, review the current charges, conduct investigation and research related to the charges, to review the over 160,000 pages of discovery provided by the government, to review and copy discovery for this matter including electronic devices, to discuss potential resolutions with his client, and to otherwise prepare for trial. In addition, defense counsel is scheduled to begin a jury trial in Butte County on March 19, 2021.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 11, 2021 to April 15, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

1 Dated: February 5, 2021

McGREGOR W. SCOTT
United States Attorney

5 Dated: February 5, 2021

6 /s/ CHRISTOPHER S. HALES
7 CHRISTOPHER S. HALES
8 Assistant United States Attorney

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11 /s/ DAVID FISCHER
12 DAVID FISCHER
13 Counsel for Defendant
14 MATTHEW M. PIERCEY

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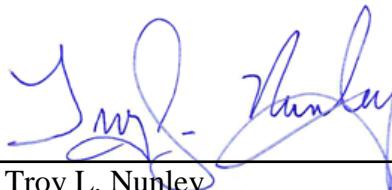
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FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 8th day of February, 2021.


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15 Troy L. Nunley
16 United States District Judge
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